

**CHAPTER NO. 268**

**SENATE BILL NO. 19**

**By Jackson, Miller, Burks, Fowler, Herron**

**Substituted for: House Bill No. 919**

**By Tidwell, Bunch**

AN ACT to amend Tennessee Code Annotated, Title 43 and Title 69, relative to timber harvesting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 3, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section 69-3-138. (a) Whenever a person contracts in writing with a master logger to conduct any type of timber harvesting on the person's property, the master logger shall assume sole liability for compliance with the provisions of this chapter for a period of one (1) year after the timber harvest is completed; provided, that the master logger gives written certification to the person that the master logger has designed a plan of best management practices (BMPs) to ensure compliance with all applicable water pollution control laws and that the master logger will install, maintain and adhere to established BMPs to ensure erosion and sediment controls to protect waters of the state in all harvesting activities on the property.

The master logger shall not be responsible for the negligent or intentional acts of the landowner or any third party when such actions are the cause of a water quality violation. Actions and appeals resulting from a violation issued by the department shall be heard by the water quality control board established in § 69-3-104, in accordance with the procedures established by the board and in accordance with the Uniform Administrative Procedures Act compiled in Title 4, Chapter 5.

(b) As used in this section, "master logger" means a person who is identified by the division of forestry of the department of agriculture as having completed all requirements of the Tennessee master logger program or a master logger program of substantially equal rigor provided in another state, including but not limited to, maintaining all current continuing education requirements.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

PASSED: May 16, 2005

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 28<sup>th</sup> day of May 2005

  
PHIL BREDESEN, GOVERNOR